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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/636,359 08/11/00 REUTER

R 000519

EXAMINER
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023464 PM82/1220

NGUYEN, C

BUCHANAN INGERSOLL, P.C.

ART UNIT	PAPER NUMBER
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301 GRANT STREET

20TH FLOOR

PITTSBURGH PA 15219

3635

DATE MAILED: 12/20/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

**Office Action Summary**

Application No.

09/636,359

Applicant(s)

REUTER ET AL.

Examiner

Chi Q Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 August 2000.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 and 42-56 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 and 42-56 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

**Attachment(s)**

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_.

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## DETAILED ACTION

### *Information Disclosure Statement*

1. The information disclosure statement filed on 8/31/00 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

### *Drawings*

2. The drawings are objected to under 37 CFR 1.83(a) because they fail to show element number 81 as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Correction is required.

### *Claim Rejections - 35 USC § 112*

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 12 recites the limitation "a lower facing panel attachment member adapted to be *frictionally* attached to the bottom portion of the other of facing panels", since the applicant does not recite or explain this broad limitation in the specification, the examiner would consider of any two non-lubricated elements are to be frictionally attached. Therefore, this is insufficient antecedent basis for this limitation in the specification.

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***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

6. Claims 1-18, 42-55 are rejected under 35 U.S.C. 102(e) as being anticipated by Waalkes.

Regards to claims 1-14 Waalkes discloses a knock-down portable partition system 1, comprising vertical posts 6, apertures 45, lock members 12, panel frames 2, connectors 5 between frame with panels, cover panels 4, a top cap 150 with retaining clip 151, outer arms 152, inner edges 153, a bent-back edge 157, a downwardly-extending arm 158, a base cover 50, utility troughs 30, 31, communication lines 30, power lines 28, see Figs. 2, 3, 9, 26, 36, 37, Column 6, lines 10-33, 43-48, Column 11, lines 5-17, Column 12, lines 2-9.

With regards to claims 15-18, 42-55, See Figs. 37, and 41.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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8. Claims 19-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Waalkes in view of Nickens.

Regards to claims 19-26 Waalkes discloses a knock-down portable partition system which comprising the structural elements have described in paragraph 6.

Waalkes does not disclose expressly and specifically the left end of one of individual panel assemblies is adapted to be secured to the right end of another of individual panel assemblies.

Nickens teaches the display panel systems 10a, 10b each includes a plurality of display panels 12 which are pivotally interconnected one to the other. (See Figs. 1, 2, Column 3, 62-67, Column 4, lines 1-3). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Waalkes with Nickens. The motivation for doing so would have been to provide a different way of panel arrangement in horizontal or vertical fashion.

9. Claim 56 is rejected under 35 U.S.C. 103(a) as being unpatentable over Waalkes in view of Goodman.

With regards to claim 56 Waalkes discloses structural elements of the portable partition system with a top cap 150 comprising relative elements, a light block 154, an upwardly-extending upper flange portion 155, a pair of flexible, downwardly-extending arm 158 of clip 151. See Fig. 26, Column 11, lines 5-17.

Waalkes does not disclose expressly the top cap has a recessed channel disposed between first and second upper angled clamping members.

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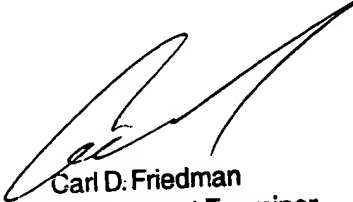
Goodman teaches a partition system with removable cover panels which including an upper horizontal frame member 3 having slots 17 and a channel (no number indicated), See figs. 3, 4, 5, Column 4, lines 13-21. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Waalkes with Goodman. The suggestion for doing so would have been to provide a space for mounting of a hang-on accessory unit (electrical, or communication cables, etc.).

*Conclusion*

10. Any inquiry concerning this communication should be directed to Chi Q. Nguyen whose telephone number is (703) 605-1224, Monday-Thursday (7:00-5:00), Fridays off or the examiner's supervisor Carl D. Friedman (703) 308-0839.

CN

12/15/00



Carl D. Friedman  
Supervisory Patent Examiner  
Group 3600